



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/445,060	12/02/1999	YUTAKA YASUKURA	SEKI-001	9420

34610 7590 12/22/2003

FLESHNER & KIM, LLP
P.O. BOX 221200
CHANTILLY, VA 20153

EXAMINER

FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
----------	--------------

2137

DATE MAILED: 12/22/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/445,060

Applicant(s)

YASUKURA, YUTAKA

Examiner

Courtney D. Fields

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Dulude et al. U.S. Patent No. 6,310,966. Referring to claim 1, Dulude et al. discloses a system comprising: a registration station provided with an information acquisition device for obtaining biological individuality data for distinguishing individuality of a user, an authentication card issuing station that issues to the user a user authentication card recorded with a divided part of the biological individuality data, an authentication access terminal provided with an authentication-card reader for reading the information of the user authentication card and an identity acquisition device for inputting biological individuality data of the user, and at least one certification authority that is connected to the authentication access terminal through an information communication channel, wherein the certification authority holds the record of the remaining part of the biological individuality data that have obtained at the registration station but not recorded in the user authentication card, the recorded contents in the user authentication card read out by the authentication card reader are compared with the biological individuality data of

the user obtained on the spot through the identity acquisition device to authenticate identification of the user at the authentication access terminal, and if a higher level of authentication is required, the certification authority compares the biological individuality data of the user obtained at the authentication access terminal with the part of the biological individuality data missing in the user authentication card in response to inquiry from the authentication access terminal and sends the comparison result to the authentication access terminal for further authentication (See Column 4, lines 12-67, Column 5, lines 1-2, 15-49)

Referring to claim 2, Dulude et al. discloses a claimed limitation wherein the user authentication card has a computing function and the computing function executes calculation of authenticating personal identification at the authentication access terminal (See Column 5, lines 50-67, Column 6, lines 1-8, 13-17)

Referring to claim 3, Dulude et al. discloses a claimed limitation wherein the information exchanged through the information communication channel is encrypted (See Column 6, lines 18-27)

Referring to claim 4, Dulude et al. discloses a claimed limitation wherein the two or more certification authorities dividedly record part of the biological individuality data obtained at the registration station but not recorded in the user authentication card, and one certification authority compares the biological individuality data of the user input at the authentication access terminal with the part of the biological individuality data stored in the certification authority in response to inquiry from the authentication access

terminal or other certification authority for further authentication (See Column 5, lines 33-49, Column 6, lines 28-65)

Referring to claim 5, Dulude et al. discloses a claimed limitation wherein the certification authority is provided with a memory device for recording the biological individuality data obtained at the registration station (See Column 6, lines 32-34, 58-65)

Referring to claim 6, Dulude et al. discloses a claimed limitation wherein plural kinds of biological individuality data are registered so that different transactions can be conducted in response to the kind of the input data (See Column 2, lines 47-66)

Referring to claim 7, Dulude et al. discloses a device comprising: an authentication card reader for reading out information recorded in an authentication IC card, an identity acquisition device for inputting biological individuality data of a user, a judgment device for checking the biological individuality data of the authentication IC card read out by the authentication-card reader against the biological individuality data input on the spot through the identity acquisition device and for judging acceptance of the user, a communication unit for transmitting at least a part of the biological individuality data of the user input through the identity acquisition unit to a certification authority outside and receiving an authentication result of the certification authority, and a display device for displaying a judgment result (See Column 7, lines 14-48, 58-62, Column 8, lines 1-4)

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Houvener U.S. Patent No. 6,424,249 discloses a system and method for biometric user authentication.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 703-305-8293. The examiner can normally be reached on Mon - Thu 7:00 - 5:00 pm; off every Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 703-305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


cdf

December 12, 2003


GILBERTO BARRON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100